

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES H. HODSON, III, Petitioner)	
v.)	C.A. No. 05-92 Erie
)	District Judge McLaughlin
MARILYN BROOKS, et. al., Respondents.)	Magistrate Judge Baxter

ORDER

Petitioner has filed an application for appointment of counsel [Document # 35]; however, this Court has already issued an Order appointing Attorney Thomas W. Patton of the Federal Public Defender's Office as Plaintiff's counsel in this matter. [Document # 33]. As a result, Petitioner's application for appointment of counsel is moot.

AND NOW, this 10th day of October, 2006;

IT IS HEREBY ORDERED that Petitioner's application for appointment of counsel [Document # 35] is dismissed as moot.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief U.S. Magistrate Judge